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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,765	01/18/2002	William Ho Chang		5434

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EXAMINER

RILEY, MARCUS T

ART UNIT	PAPER NUMBER
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2625

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08/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/053,765	Applicant(s) CHANG ET AL.	
	Examiner MARCUS T. RILEY	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-33 and 39-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/08/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 23, 2010 has been entered.

Response to Amendment

2. This office action is responsive to applicant's remarks received on June 23, 2010. Claims 29-33 & 39-59 remain pending. Claims 1-28 & 34-38 have been cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 29-33 & 39-59, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

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In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

4. **Claim(s) 56 & 59** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. **Claim 56 & 59** are drawn to functional descriptive material recorded on a computer-readable medium. Normally, the claim would be statutory. However, the specification, at page Insert Spec. Page 5, Paragraph 0063 defines the claimed computer readable medium Any entity containing information, descriptions, attributes, data, instructions etc. in any computer-readable form or medium such as hardware, software, files based on or including voice, text, graphics, image, or video information, electronic signals in analog or digital form as well as *non-statutory* subject mater such as a “signal”.

A “signal” embodying functional descriptive material is neither a process nor a product (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory classes of § 101. Rather, “signal” is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to include the disclosed tangible computer readable media, while at the same time excluding the intangible media such as signals, carrier waves, etc. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 29-33, 39-42 & 44-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 20020087622 A1, hereinafter, Anderson '622) in combination with Tari et al. (US 6,542,491 B1 hereinafter, Tari '491).

Regarding claim 29; Anderson '622 discloses a method of transferring digital data content from an information apparatus (Fig. 1, Client 12 i.e. Client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating wireless over a network. Pages 2-3, paragraph 0026);

to a wireless output device (Fig. 1, Photo-services site 14 i.e. Digital content is outputted at the Photo-services site 14. Page 3, paragraph 0027);

by short range wireless communication (i.e. The client devices 12 communicates over the Internet via a wireless or wired connection with Photo-services site 14. Pages 2-3, paragraph 0026);

the information apparatus including a wireless communication unit for short range wireless communication with one or more output devices (Fig. 1 i.e. The user of the client devices 12 either uploads the digital images to the on-line photo-service sites 14 or receives digital images from the photo-service sites 14 via a wireless carrier and/or an Internet service provider. Page 3, paragraph 0027);

an interface for interacting with a user (Fig. 1, Image Gateway 18 i.e. The meta-application architecture includes a site on the Internet, referred to as the image gateway 18, that interfaces between the client devices 12 and the photo-service sites 14. Page 3, paragraph 0028);

downloading at the information apparatus the digital data content from a server (Fig. 1, Gateway Server 20) over a network to the information apparatus (Fig. 1 i.e. The client devices 12 either uploads

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the digital images to the online photo-service sites 14 or downloads digital images from the photo-service sites 14. Page 3, paragraph 0027);

opening a wireless communication channel at the wireless communication unit of the information apparatus (i.e. The client devices 12 communicates over the Internet via a wireless or wired connection with Photo-services site 14. Pages 2-3, paragraph 0026);

conforming at the information apparatus at least part of the digital data content into an output data, the output data being related to the digital data content and including a format, protocol, or language that is acceptable for transferring to the selected wireless output device for output and transferring the output data over the wireless connection to the selected wireless output device for output (i.e. Client devices 12 communicate data in different formats to be uploaded/downloaded to the photo-service sites 14. Some client devices 12 communicate data in HTML, Wireless Markup Language (WML) or Handheld Device Markup Language (HDML). Page 3, paragraph 0026);

Anderson '622 does not expressly disclose searching wirelessly over the wireless communication channel for one or more wireless output device available for wireless connection; receiving at the information apparatus over the wireless communication channel a device dependent attribute that corresponds to each wireless output device found in the wireless search, and includes at least one of a name, a device entity, a device type, a device address number, a security code, and a device profile corresponding to each wireless device; selecting at the information apparatus a wireless output device discovered in the search based at least in part on the received device dependent attributes received over the wireless communication channel from each of the wireless output devices; the selected wireless output device being at least one of an audio device, a projection device, and a display device, other than a printing device.

Tari '491 discloses searching wirelessly over the wireless communication channel (Fig. 1, Network 2) for one or more wireless output device (Fig. 1, Wireless Station Devices 4-1, 4-5, & 4-6) available

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for wireless connection (i.e. Host server 1 wirelessly searches the network for connection to Wireless Station Devices 4-1, 4-5, & 4-6. Column 1, lines 40-51);

receiving at the information apparatus (Fig. 1, Host Server 1) over the wireless communication channel a device dependent attribute that corresponds to each wireless output device found in the wireless search, and includes at least one of a name, a device entity, a device type, a device address number, a security code, and a device profile corresponding to each wireless device (i.e. Fig. 5, Step S23. i.e. The host server 1 receives the IP address packet at Step S23 in Fig. 5. Column 5, lines 7-13);

selecting at the information apparatus (Fig. 5, Step S24) a wireless output device discovered in the search based at least in part on the received device dependent attributes received over the wireless communication channel from each of the wireless output devices (i.e. At Step S24, Upon receiving the packet, the host server 1 knows that the terminal unit 5-1 is in the managing district of wireless server B3-2 because of the source address of the packet at Step S24 in Fig. 5. Column 5, lines 7-13);

the selected wireless output device being at least one of an audio device, a projection device, and a display device, other than a printing device (Figs. 1 & 15, Terminal Unit 5-1 i.e. Fig. 15 is a block diagram of a structure of a terminal unit 5-1 with Display Section 5c. Column 11, lines 58-62);

establishing at the information apparatus a short range wireless connection with the selected wireless output device (i.e. Host server 1 wirelessly searches the network for connection to Wireless Station Devices 4-1, 4-5, & 4-6. Column 1, lines 40-51);

the wireless connection not including an external print server being external to the information apparatus and the output device (Fig. 1 i.e. The Host Server 1 and the Wireless Station Devices 4-1, 4-5, & 4-6 connect via network 2 without an external server. Column 1, lines 40-51.);

Anderson '622 and Tari '491 are combinable because they are from same field of endeavor of network systems (Tari '491 at Fig. 1).

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network system as taught by Anderson '622 by adding selecting and searching for a wireless output device as taught by Tari '491. The motivation for doing so would have been because it advantageous to provide a more efficient wireless connection over a network to an output device. Therefore, it would have been obvious to combine Anderson '622 with Tari '491 to obtain the invention as specified in claim 29.

Regarding claim 30; Tari '491 discloses after selecting a wireless output device: obtaining a security key from the user; sending the security key over the wireless communication channel for authentication; receiving over the wireless communication channel at least an indication related to a successful security key authentication and utilizing the authenticated security key to establish restricted wireless access to the selected wireless output device (Fig. 2, (a) Perform Registration Step and Step S1 in Fig. 3 i.e. Step S1 in Fig. 3 discloses wherein the terminal unit 5-1 requests from wireless server B3-2 a terminal registration approval and an IP address. In response, wireless server B3-2 issues registration approval and an IP address, thus enabling the terminal unit 5-1 to operate under the wireless server B3-2. Column 4, lines 4-14)

Regarding claim 31; Claim 31 contains substantially the same subject matter as claim 29. Therefore, claim 31 is rejected on the same grounds as claim 29. However, claim 31 discloses the restricted wireless transfer of digital content. Tari '491 at column 4, lines 4-14, Fig. 2, (a) Perform Registration Step and Step S1 in Fig. 3 discloses wherein the terminal unit 5-1 requests from wireless server B3-2 a terminal registration approval and an IP address. In response, wireless server B3-2 issues registration approval and an IP address, thus enabling the terminal unit 5-1 to operate under the wireless server B3-2.

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Regarding claim 32; Anderson '622 discloses where the said security key comprises at least one of a user name, password, ID number, signatures, security keys (physical or digital), biometrics, fingerprints, and a voice (Fig. 2, (a) Perform Registration Step and Step S1 in Fig. 3 i.e. Step S1 in Fig. 3 discloses wherein the terminal unit 5-1 requests from wireless server B3-2 a terminal registration approval and an IP address. In response, wireless server B3-2 issues registration approval and an IP address, thus enabling the terminal unit 5-1 to operate under the wireless server B3-2. Column 4, lines 4-14)

Regarding claims 33 & 55; Claims 33 & 55 contains substantially the same subject matter as claim 30. Therefore, claims 33 & 55 are rejected on the same grounds as claim 30.

Regarding claim 39; Anderson '622 discloses wherein the wireless output device includes an audio device (i.e. The photo-service sites 14 receives the digital images that encompasses sound annotations that may be played or perform a function as illustrated in Fig. 2A Step 112. Thus, it is inferred that the photo-service sites 14 may function as an audio device. Page 2, paragraphs 0035-0036 and Page 4, paragraph 0048);

Regarding claim 40; Anderson '622 discloses wherein the information apparatus includes desktop computer, a laptop computer, a networked computer, a palmtop computer, a hand-held computer, a personal digital assistant, an Internet enabled mobile phone, a smart phone, an Internet appliance or a web pad (Fig. 1, Client 12 Devices i.e. Client device 12 refers to PC, PDA or Cell Phone).

Regarding claim 41; Anderson '622 discloses wherein the information apparatus further includes a client application with one or more functionalities that include one or more internet browsing, outputting content, content selection, content creation, and content editing (Fig. 1, "Internet" i.e. The client devices 12 are browser-based and may browse the internet. Page 2, paragraph 0024).

Regarding claim 42; Anderson '622 discloses wherein conforming at the information apparatus at least part of the digital content into an output data includes using at least in part the said device dependent attribute received over the wireless communication channel from the

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selected wireless output device (i.e. Client devices 12 communicate data in different formats to be transferred to photo-service sites 14. Some client devices 12 communicate data in HTML, Wireless Markup Language (WML) or Handheld Device Markup Language (HDML). Page 2-4, paragraph 0026);

Regarding claim 44; Anderson '622 discloses wherein the device profile includes information related to at least one of a quality of service, a billing, a pricing, security, identification and compatibility associated with the wireless device (i.e. The image gateway 18 is provided with a database 32 for supporting the aggregation of data and services across the various photo-service sites 14. This enables the image gateway 18 to support a single login for a particular client device 12 and enables data sharing, such as billing information, across photo-service sites 14. Page 3, paragraph 0034).

Regarding claim 45; Tari '491 discloses discovering over the wireless communication channel (Fig. 1, Network 2) one or more wireless output devices (Fig. 1, Wireless Station Devices 4-1, 4-5, & 4-6) available for wireless connection (i.e. Host server 1 wirelessly searches the network for connection to Wireless Station Devices 4-1, 4-5, & 4-6. Column 1, lines 40-51).

Regarding claims 46 & 58; Claims 46 & 58 contains substantially the same subject matter as claim 42. Therefore, claims 46 & 58 are rejected on the same grounds as claim 42.

Regarding claim 47; Anderson '622 discloses wherein the wireless communication between the information apparatus and the output devices includes the information apparatus communicating with the output device via a wireless output controller associated with the wireless output device (Fig. 1, Services Providers A & B i.e. Service providers A & B control the communication between Client devices 12 and photo-service sites 14. Page 3, paragraph 0027).

Regarding claim 48; Tari '491 discloses obtaining over the wireless communication channel at least one attribute includes obtaining over the wireless communication channel at least one attribute from a wireless output controller associated with one or more wireless output devices (i.e. Fig. 5, Step S23. i.e. The host server 1 receives the IP address packet at Step S23 in Fig. 5. Column 5, lines 7-13);

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Regarding claim 49; Claims 49 contains substantially the same subject matter as claim 44. Therefore, claims 49 is rejected on the same grounds as claim 44.

Regarding claims 50 & 59; Independent claims 50 & 59 contain substantially the same subject matter as independent claim 29. Therefore, claims 50 & 59 are rejected on the same grounds as claim 29.

Regarding claim 51; Claims 51 contains substantially the same subject matter as claim 40. Therefore, claims 51 is rejected on the same grounds as claim 40.

Regarding claim 52; Claim 52 contains substantially the same subject matter as claim 41. Therefore, claim 52 is rejected on the same grounds as claim 41.

Regarding claim 53; Anderson '622 discloses wherein the client application further includes a audio or video content selection, creation or editing applications for selecting, creating or editing of the audio content at the information apparatus (i.e. Client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating over a network, such as the Internet. Such electronic devices include devices that store digital images. The photo-service sites 14 receives the digital images that encompasses sound annotations that may be played or perform a function as illustrated in Fig. 2A Step 112. Thus, it is inferred that the photo-service sites 14 may function as an audio device. Page 3, paragraphs 0035-0036 and Page 4, paragraph 0048).

Regarding claim 54; Anderson '622 discloses wherein the information apparatus further includes a memory component and the audio or video content is stored locally in the memory component of the information apparatuses, and the digital audio or video client application accessing the content locally for sending to the output device over the wireless communication channel (Fig. 1, Client devices 12 i.e. Client device 12 refers to an electronic device capable of capturing and/or displaying digital images and communicating over a network, such as the Internet. Such electronic devices include devices that store digital images. The photo-service sites 14 receives the digital images that encompasses sound annotations that may be played or perform

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a function as illustrated in Fig. 2A Step 112. Thus, it is inferred that the photo-service sites 14 may function as an audio device. Page 3, paragraphs 0035-0036 and Page 4, paragraph 0048).

Regarding claim 56; Anderson '622 discloses software for obtaining authentication information at the information apparatus for accessing the selected output wireless device, and software for sending at least part of the authentication information over the wireless communication channel for authenticating access to the select wireless output device (i.e. Upon establishing a connection, the camera sends the user's account ID and password to the gateway server and provides authentication. Page 1, paragraphs 0005-0006).

Regarding claim 57; Anderson '622 discloses software for conforming at the mobile phone information apparatus at least part of the content into an output data includes at least a compression operation (i.e. Client devices 12 communicate data in different formats to be transferred to photo-service sites 14. Some client devices 12 communicate data in HTML, Wireless Markup Language (WML) or Handheld Device Markup Language (HDML). Pages 2-3, paragraphs 0026-0027).

7. **Claim 43** is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson '622 and Tari '491as applied to claim 29 above, and further in view of Evans et al. (US 6,690,918 B2 hereinafter, Evans '918).

Regarding claim 43; Anderson '622 as modified does not expressly disclose wherein the wireless communication channel is compatible to a Bluetooth wireless protocol or one that is compatible to IEEE802.11 protocol.

Evans '918 discloses wherein the wireless communication channel is compatible to a Bluetooth wireless protocol or one that is compatible to IEEE802.11 protocol (i.e. LAN 40 is enabled

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by a technology known as Bluetooth TM, which provides a communication protocol as well as firmware for local device communication. Column 4, lines 32-39).

Anderson '622 and Evans '918 are combinable because they are from same field of endeavor of network systems (Evans '918 at "Title").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network system as taught by Anderson '622 by adding Bluetooth wireless protocol as taught by Evans '918. The motivation for doing so would have been because Bluetooth TM is a short-range radio technology system that provides capability for communications among digital devices using local wireless/cellular networks and the Internet and provides simplified data synchronization between the devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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